IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1244(S/S)2001
(Old no. 30019 of 1999)

Prakash Chandra Paladia S/o Sri Tara Dutt Palaria,
R/o village and P.O. Jangaliagaon, Bhimtal,
District Nainital. ----Petitioner.

Vs.

1. The State of U.P., through the Secretary,
   Local Self-Govt., Lucknow,
2. Commissioner, Kumaon Division, Nainital,
3. President, Nagar Palika Parishad, Pithoragarh,
4. Executive Officer, Nagar Palika Parishad,
   Pithoragarh.

.....Respondents.

Sri S.K. Posti, learned counsel for the petitioner,
Sri Paresh Tripathi, learned Standing Counsel for State of Uttarakhand,
Smt. Beena Pandey, learned Standing Counsel for State of U.P. and
Sri Syed Nadim, learned counsel for the Nagar Palika Parishad/respondent.

Hon'ble M.M.Ghildiyal, J.

Heard Sri S.K. Posti, learned counsel for the petitioner, Sri Paresh Tripathi, learned Standing Counsel for State of Uttarakhand, Smt. Beena Pandey, learned Standing counsel for State of U.P, and Sri Syed Nadim, learned counsel for the Nagar Palika Parishad/respondent.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 3 to forthwith comply the direction of the respondent no. 2 dated 20.05.1999 by taking work from the petitioner as a daily wage Sanitary Supervisor and Sanitary Lipik in Nagar Palika Parishad, Pithoragarh;

ii. Issue a writ, order or direction in the nature of mandamus commanding the respondent no.1 to cancel all the appointments made on the posts falling within ambit of Centralised Services Rules in Nagar Palika Parishad, Pithoragarh, Champawat, Haldwani, Kichcha and Lohaghat which have been made by the President

of the concerned Nagar Palika Paishad or by the respondent no.2;

iii. Issue any other writ, order or direction which this Ho'ble Court may deem fit and proper under the aforesaid facts and circumstances of the case;

iv. To award the costs of the petition to the petitioner.

During the course of arguments learned counsel for the petitioner has submitted that the petition may be disposed of with a direction to the petitioner to move representation for redressal of his grievances before the appropriate authority, and the authority concerned may be directed to take decision on the same within a reasonable period, prescribed by this Court.

The prayer is innocuous.

Consequently, I direct the petitioner to move representation before the Commissioner Kumaon Division Nainital/respondent no.2 within a period of three weeks from today and it is expected from respondent no. 2 to take decision on the representation of the petitioner, within a period of four weeks from the date of receipt of a certified copy of this order alongwith the representation. While taking decision on the representation, the Commissioner shall take into consideration annexure no. 7 to the writ petition.

With these direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

April 25, 2007:
NCM: